

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Samy Ashkar and Jairo Salcedo

Serial No.: 09/981,845 Art Unit: 1647

Filed: October 18, 2001 Examiner: Regina M. Deberry

For: **"OSTEOPONTIN-COATED SURFACES AND METHODS OF USE"**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

Responsive to the Office Action mailed March 6, 2003, please consider the following remarks. It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 50-1868.

**Remarks**

In the Office Action mailed March 6, 2003, the claims were divided into 4 groups, Group I, claims 1-7, drawn to osteopontin-derived peptides; Group II, claims 8-16, drawn to an implant and method of coating implant with osteopontin; Group III, claim 17, drawn to a method of inducing new tissue formation at a site on a subject comprising administering osteopontin; and Group IV, claim 18, drawn to a method for promoting cell differentiation comprising administering a therapeutically effective amount of a peptide to a subject.

In response, applicants elect Group I without traverse.

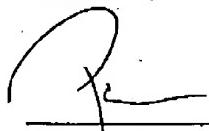
U.S.S.N. 09/981,845  
Filed: October 18, 2001  
**RESPONSE TO RESTRICTION REQUIREMENT**

The Office Action also required election of a species from among SEQ ID NOs: 7, 8, 9, 10, 11, 12, 13, 14 and 15 in claim 1; from among  $\alpha_1\beta_3$ ,  $\alpha_4\beta_5$ ,  $4\beta_1$ ,  $2\beta_1$ , VCAM, ICAM, CD44 and V3Vx in claim 5; from among osteoprogenitor cells, tumor cells, macrophages, perosteal cells, endothelial cells, epithelial cells, eosinophils, stem cells, limited potential precursor cells, precursor cells, committed precursor cells, and differentiated cells in claim 6; and from among SEQ ID NOs: 8 and 15 in claim 12. In response, applicants elect for examination SEQ ID NO:11, in claim 1;  $4\beta_1$ , in claim 5; stem cells in claim 6; and SEQ ID NO:15, in claim 12; all without traverse.

It is understood that, although the applicants are required to select single species from each of the above-identified claims, the examiner will examine the other species once the initially elected species is determined to be allowable for each of the claims.

Favorable consideration of claims 1-18 is earnestly solicited.

Respectfully submitted,



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Patrea L. Pabst  
Reg. No. 31,284

Date: April 7, 2003

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U.S.S.N. 09/981,845  
Filed: October 18, 2001  
**RESPONSE TO RESTRICTION REQUIREMENT**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the enclosed Response to Restriction Requirement and all documents shown as being attached is being facsimile transmitted to the U. S. Patent and Trademark Office on the date shown below.

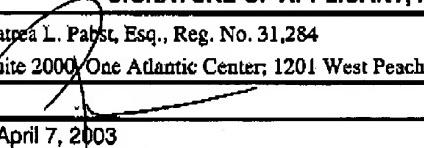
Date: April 7, 2003

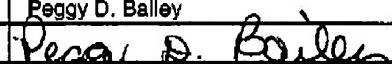
Peggy Bailey  
Peggy Bailey

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/981,845
		Filing Date	October 18, 2001
		First Named Inventor	Sammy Ashkar et al.
		Art Unit	1647
		Examiner Name	Regina M. Deberry
Total Number of Pages in This Submission	6	Attorney Docket Number	CMCC 779

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	Patrek L. Pabst, Esq., Reg. No. 31,284	Holland & Knight LLP
Signature		
Date	April 7, 2003	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:		
April 7, 2003		
Typed or printed	Peggy D. Bailey	
Signature		Date April 7, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

## Complete If Known

Application Number	09/981,845
Filing Date	October 18, 2001
First Named Inventor	Sammy Ashkar et al.
Examiner Name	Regina M. Deberry
Art Unit	1847
Attorney Docket No.	CMCC 779

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number	50-1868
Deposit Account Name	Holland & Knight LLP

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20	X	
Multiple Dependent	- 3 <sup>rd</sup> =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 8	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	" Reissue independent claims over original patent	
1205 18	2205 9	" Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			

\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1061 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 830	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 850	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(b))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)	

(Complete if applicable)

Name (Print/Type)	Patricia L. Pabst	Registration No. (Attorney/Agent)	31,284	Telephone (404) 817-8473
Signature	Date April 7, 2003			

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